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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,767	11/03/2005	Martina Ebert	STOPPELMANN1	6941
1444 7590 04/16/2009 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				
EXAMINER				
USELDING, JOHN E				
ART UNIT		PAPER NUMBER		
1796				
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04/16/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Amendment***

The amended claims are not being entered because the amendment represents a significant change in the scope of the claims. The arguments directed towards the art rejections will not be responded to because they are directed to the amended claims which were not entered.

### ***Claim Rejections - 35 USC § 112***

The applicant's arguments with respect to the 112 rejections are not persuasive.

The applicant has argued that the specification supports the claim limitation that the composition is substantially free of any other filler besides uncoated ultrafine chalk. This is not persuasive because the specification is open to other fillers. The specification is directed toward mineral fillers and states that ultrafine chalk is the preferred mineral filler (page 7, lines 7-8). Since it is only a preferred filler means that the composition is open to other mineral fillers. Also, since ultrafine chalk is a preferred filler it can be included in the composition along with the uncoated ultrafine chalk. The original specification does not support the notion that only uncoated ultrafine chalk is present in the composition and all other mineral fillers are excluded, which included ultrafine chalk that is coated.

The applicant has argued that the uncoated chalk in the composition is not indefinite. This is not persuasive. It is admitted that before the chalk is added to the

composition, it is uncoated but when it is a part of the composition it is coated. This is the same argument that the Applicant has used for the olefin compound coating the chalk of Kumaki et al. (arguments filed 11/20/2008 page 11). The mineral filler cannot be identified as uncoated when it is a part of the composition under the applicant's own definition. It appears that the applicant has attempted to remedy this problem with the claim amendment but the problem still remains. It is suggested that the applicant only refer to the chalk as uncoated before it is added to the composition.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN USELDING whose telephone number is (571)270-5463. The examiner can normally be reached on Monday-Thursday 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Uselding  
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